

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ELIZABETH DELGADO SANTOS,
RAFAEL OCASIO BARRETO,
BETHZAIDA CRESPO VICENTE, and IRIS
OTERO, on behalf of themselves and all
similarly situated individuals

Plaintiffs,

-against-

FEDERAL EMERGENCY
MANAGEMENT AGENCY, WILLIAM
BROCK LONG, THOMAS VAN ESSEN,
and ALEJANDRO DE LA CAMPA,

Defendants.

CIVIL ACTION NO. 4:18-cv-40111-TSH

(Leave To File Granted July 18, 2018)

**DECLARATION OF EVE L. TORRES IN SUPPORT OF PLAINTIFFS' REPLY
MEMORANDUM IN SUPPORT OF THEIR EMERGENCY MOTION FOR A
TEMPORARY RESTRAINING ORDER OR PRELIMINARY INJUNCTION AND
DECLARATORY RELIEF**

I, Eve L. Torres, have personal knowledge of the following facts and, if called upon as a witness, I could and would testify competently thereto.

1. I am an Associate at the Los Angeles office of Manatt, Phelps & Phillips, LLP, located at 11355 W Olympic Blvd, Los Angeles, CA 90064.

2. I submit this declaration in support of Plaintiffs Elizabeth Delgado Santos, Rafael Ocasio Barreto, Bethzaida Crespo Vicente, and Iris Otero (collectively, "Plaintiffs") Reply Memorandum in Support of Their Emergency Motion for a Temporary Restraining Order or Preliminary Injunction and Declaratory Relief.

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3. A true and correct copy of the Declaration of Plaintiff Elizabeth Delgado Santos is attached hereto as **Exhibit A**.

4. A true and correct copy of the Declaration of Plaintiff Rafael Ocasio Barreto is attached hereto as **Exhibit B**.

5. A true and correct copy of the Declaration of Plaintiff Iris Otero is attached hereto as **Exhibit C**.

6. I declare under penalty of perjury under the laws of the United States of America that the contents of this declaration are true and correct.

Executed this 18th day of July 2018 at Los Angeles, California.

/s/: Eve L. Torres

Eve L. Torres

CERTIFICATE OF SERVICE

I, Eve L. Torres, certify that the within document, filed this 18th of July, 2018, via the Court's electronic filing system, has thereby been served on all registered participants, and there are no unregistered participants.

/s/: Eve L. Torres

Eve L. Torres

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ELIZABETH DELGADO SANTOS,
RAFAEL OCASIO BARRETO,
BETHZAIDA CRESPO VICENTE, AND
IRIS OTERO, ON BEHALF OF
THEMSELVES AND ALL SIMILARLY
SITUATED INDIVIDUALS

PLAINTIFFS,

-AGAINST-

FEDERAL EMERGENCY

MANAGEMENT AGENCY, WILLIAM
BROCK LONG, THOMAS VAN ESSEN,
AND ALEJANDRO DE LA CAMPA,
DEFENDANTS.

CIVIL ACTION NO. 18-40111-TSH

AFFIDAVIT OF PLAINTIFF ELIZABETH DELGADO SANTOS

ELIZABETH DELGADO SANTOS, affirms and subject to penalties of perjury that the following statements are true:

1. I currently reside at the Quality Inn Hotel in Worcester, Massachusetts in Worcester County.
2. I temporarily reside at the Quality Inn Hotel as a result of having been displaced from San Juan, Puerto Rico after Hurricane Maria hit the island on September 20, 2017. I arrived in Massachusetts on January 9, 2018, along with my two young children to live with my mother. This arrangement was temporary and after a few weeks my mother displaced me from her home. My children and I were left homeless once again.
3. I contacted the Federal Emergency Management Agency ("FEMA") and began receiving Temporary Shelter Assistance on February 7, 2018.

4. I am a named Plaintiff in the above action.
5. I submit this affidavit in support of the Complaint challenging the arbitrary and capricious nature of the refusal by the Federal Emergency Management Agency ("FEMA") to extend longer-term housing options to myself and nearly 2,000 other Puerto Rican evacuees affected by Hurricane Maria.
6. I have suffered from depression and anxiety since my youth. I have struggled with these symptoms along with suicidal ideology. I have receiving mental health care which has allowed me to manage my conditions. My conditions, however, were greatly exacerbated along with increased levels of stress since Hurricane Maria. I currently receive treatment for my health conditions in Massachusetts.
7. Since February 2018, I have been looking for ways to find permanent housing for my children and me. I called FEMA for help but they told me that they could not help me with housing search or assistance.
8. Since April 2018, I have been taking English classes in order for me to become a viable employee. I am looking forward to finding permanent employment so that I can be housed.
9. At the end of May 2018 I received notice that the TSA program was ending on June 30, 2018. I was told via a generic voice message that I would be required to leave my hotel on July 1, 2018. Upon receiving the message I called FEMA personnel and asked them for help. They asked me what my housing plan was and I told them I had none. I asked for assistance and they told me that they could not provide me with assistance. They advised to make plans for the deadline and find alternative housing after July 1st.

10. I received repeated phone calls from FEMA representatives who only notified me of pending eviction dates, but I never was informed of any protocol to request an extension, appeal a decision or solicit other available housing assistance. In nearly every phone call that I received from FEMA, I specifically asked for additional housing assistance and was told that they could not help me with that because they did not provide that type of assistance.
11. I experienced tremendous fear and anxiety upon being notified that my TSA assistance was going to terminate on June 30, 2018, and that I would be forced to leave the hotel. I would wake up and go to sleep at night with severe stress and anxiety about where I would sleep with my children after July 1, 2018. I applied twice for emergency shelter but was told that I was not eligible because I was a Puerto Rican evacuee. As of today, my children and I do not have alternative housing options available, nor other support systems to rely on.

I declare under penalty of perjury that the foregoing statements are true and correct and are based on my personal knowledge.

RESPECTFULLY SUBMITTED

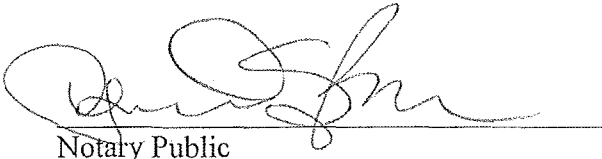
Dated: Worcester, Massachusetts
July 18, 2018

By: Elizabeth Delgado
Elizabeth Delgado Santos

E.D.S

This affidavit was read to me in Spanish at Central West Justice Center on July 18, 2018. _____

On this 18 day of July, 2018, before me, the undersigned notary public, personally appeared Elizabeth Delgado Santos (name of document signer), proved to me through satisfactory evidence of identification, which were US Passport, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.


Notary Public

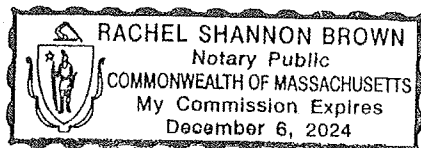


EXHIBIT B

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ARACELIS VELEZ CRUZ, DENISE
NIEVES, RAFAEL OCASIO BARRETO,
YARITZA DE JESUS LOPEZ,
BETHZAIDA CRESPO VICENTE, and IRIS
OTERO, on behalf of themselves and all
similarly situated individuals

Plaintiffs,

-against-

FEDERAL EMERGENCY
MANAGEMENT AGENCY, WILLIAM
BROCK LONG, THOMAS VAN ESSEN,
and ALEJANDRO DE LA CAMPA,

Defendants.

CIVIL ACTION NO. 18-40111-TSH

AFFIDAVIT OF PLAINTIFF RAFAEL OCASIO BARRETO

RAFAEL OCASIO BARRETO, affirms and subject to penalties of perjury that the
following statements are true:

1. I currently reside at the SpringHill Suites Hotel in Corona, New York in Queens County.
2. I temporarily reside at SpringHill Suites Hotel as a result of having been displaced from San Juan, Puerto Rico after Hurricane Maria hit the island on September 20, 2017. I arrived in New York on October 31, 2017, and began receiving Temporary Shelter Assistance provided by the Federal Emergency Management Agency ("FEMA") since November 11, 2017.
3. I am a named Plaintiff in the above action.
4. I submit this affidavit in support of the Complaint challenging the arbitrary and capricious nature of the refusal by the Federal Emergency Management Agency

("FEMA") to extend longer-term housing options to myself and nearly 2,000 other Puerto Rican evacuees affected by Hurricane Maria.

5. I have suffered from depression and anxiety for the past five years, however my conditions were greatly exacerbated along with increased levels of stress since Hurricane Maria. I currently receive treatment for my health conditions in New York.
6. Since November 2017, immediately after I began receiving shelter assistance under the TSA program, I have been actively seeking employment. I began working part-time for a community-based organization in the Bronx, New York since January 2018. I secured full-time employment with a community healthcare organization in June 2018. Despite securing employment, however, I have not yet been able to find affordable, available housing in New York City.
7. At the end of June 2018, I received a call from a FEMA representative asking me if I needed direct rental assistance, and I said that I did. I was told that I would receive an unspecified amount based on the medium rental price for properties in Puerto Rico, despite the fact that I currently live in New York. I have not yet received any direct rental assistance since that phone call. I have not received any other direct assistance from FEMA in helping me access alternative housing options or other services.
8. I received notice that the TSA program was ending on June 30, 2018, and that I would be required to leave my hotel on July 1, 2018, from phone calls that I received from FEMA personnel and an email message from a generic account. The last email message was sent on June 28, 2018, in Spanish and stated:

Alguien que dio este número telefónico solicitó asistencia de FEMA como resultado del Huracán Irma en Puerto Rico y actualmente se aloja en una habitación de hotel financiada por FEMA. FEMA pagó por el alojamiento del hotel por Huracán Irma que acaba 30 de junio de 2018, con salida 1 de

julio de 2018. A partir del 1 de julio, FEMA ya no pagará ninguna habitación de hotel. Si tiene alguna pregunta, favor llame FEMA at 800-621-3362, TTY 800-462-7585. Si usa 7-1-1 o el Servicio de Retransmisión de Video, llame 800-621-3362. Gracias.

The message referenced Hurricane Irma, not Hurricane Maria, for which I had registered to receive assistance.

9. I received repeated phone calls from FEMA representatives who only notified me of pending eviction dates, but I never was informed of any protocol to request an extension, appeal a decision or solicit other available housing assistance. In nearly every phone call that I received from FEMA, I specifically asked for additional housing assistance and was told that they could not help me with that because they did not provide that type of assistance.
10. I experienced tremendous fear and anxiety upon being notified that my TSA assistance was going to terminate on June 30, 2018, and that I would be forced to leave the hotel. I would wake up and go to sleep at night with severe tension and worry about where I would sleep after July 1, 2018. I had no other available housing options at that time and would have become homeless or been forced to seek space in a shelter. I currently still do not have alternative housing options available to me, nor do I have other support systems to rely on, and will face the possibility of homelessness again if the Temporary Restraining Order is lifted on July 23, 2018.
11. I spoke directly with other evacuees who expressed to me their deep fear and anxiety about facing eviction on June 30, 2018, including those who cried from worry to me about what would happen to them and their children if they were forced to leave the hotels. This includes evacuees who are housed in the same hotel as me as well as those who called me to share their anxiety.

I declare under penalty of perjury that the foregoing statements are true and correct and are based on my personal knowledge.

RESPECTFULLY SUBMITTED

Dated: New York, New York
July 18, 2018

By: Rafael Ocasio Barreto
Rafael Ocasio Barreto

*Came before me the affiant
on this 18 July, 2018*

JCH
JACKSON CHIN
NOTARY PUBLIC-STATE OF NEW YORK
No. 02CH6230222
Qualified in New York County
My Commission Expires 1/1/2018

EXHIBIT C

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ELIZABETH DELGADO SANTOS,
RAFAEL OCASIO BARRETO,
BETHZAIDA CRESPO VICENTE, AND
IRIS OTERO, ON BEHALF OF
THEMSELVES AND ALL SIMILARLY
SITUATED INDIVIDUALS

PLAINTIFFS,

-AGAINST-

FEDERAL EMERGENCY

MANAGEMENT AGENCY, WILLIAM
BROCK LONG, THOMAS VAN ESSEN,
AND ALEJANDRO DE LA CAMPA,
DEFENDANTS.

CIVIL ACTION NO. 18-40111-TSH

AFFIDAVIT OF PLAINTIFF IRIS OTERO

IRIS OTERO, affirms and subject to penalties of perjury that the following statements are true:

1. I currently reside at the Holiday Inn Hotel in Kissimmee, Florida in Osceola County.
2. I temporarily reside at Holiday Inn Hotel with my five children as a result of having been displaced from San Juan, Puerto Rico after Hurricane Maria hit the island on September 20, 2017. I arrived in Orlando, Florida on December 4, 2017 and began receiving Temporary Sheltering Assistance provided by the Federal Emergency Management Agency ("FEMA") since that time.
3. I am a named Plaintiff in the above action.
4. I submit this affidavit in support of the Complaint challenging the arbitrary and capricious nature of the refusal by the Federal Emergency Management Agency ("FEMA") to extend

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longer-term housing options to myself and nearly 2,000 other Puerto Rican evacuees
affected by Hurricane Maria.

5. I am currently suffering from a great deal of stress since becoming homeless after Hurricane Maria. It is terrifying to know that I have no viable housing alternatives for myself and my five children. As a single mother, I have no one I can turn to, to help care for my children.
6. I was living in a house under a Section 8 plan in San Juan, Puerto Rico with my five children before Hurricane Maria hit. Our house was flooded as a consequence of Hurricane Maria and caused our front door and windows to be ripped from the home. I had to stay in home because I had not other housing options for myself and my children. The house was becoming rat infested because we had no front door. My landlord decided not to repair the house after Hurricane Maria rendering me and my children homeless as the house I was living in was completely uninhabitable. I decided to leave Puerto Rico as we had no home, my children's schools had been closed for months, electricity had not been restored and although my elderly mother lives in Puerto Rico, she has health issues and is unable to provide us shelter or assistance.
7. Since the time I applied for FEMA, I have been applying for housing at different housing units but have not been successful. I also had many issues with trying to have my Section 8 housing voucher transferred to Orlando.
8. My three oldest children suffer from ADHD. My children receive psychiatric care and need constant medical supervision due to their conditions. I have been trying to secure childcare options for them to find employment but have been unsuccessful despite pursuing every option available to me.

9. I have only received robocalls from FEMA related to the TSA program extensions and terminations. I have also received emails from FEMA but I have had issues with entering the FEMA system and have not been able to access the online FEMA system despite my calling FEMA to update my information and notify them of the system issues I have been experiencing. I have not received any letters from FEMA related any housing programs which I may be eligible for, mailed to me at the hotel where I have been living.

10. I feel very nervous and afraid at the thought that my TSA assistance is going to terminate on July 24, 2018, and that I would be forced to leave the hotel. I feel an extreme amount of anguish at the thought of being homeless and dread at not being able to provide housing for my children in Central Florida.

11. I affirm that this declaration has been read to me in Spanish, my native language, and that I fully understand the contents of this declaration.

I declare under penalty of perjury that the foregoing statements are true and correct and are based on my personal knowledge.

RESPECTFULLY SUBMITTED


Dated: Kissimmee, Florida
July 18, 2018

By: Iris Otero
Iris Otero

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This form must be notarized below: State of Florida County of Osceola
Sworn and subscribed before me this 18 day of July 2018
by Iris Otero who (check one):

☐ is personally known to me.
☒ produced identification as follows:

Type of ID PR DL ID Number 60907350
Jennelee Martinez
Notary Public - State of Florida
Notary Seal  Notary Name (Type or Printed)
JENNELEE MARTINEZ
Notary Public - State of Florida
Commission # FF 215012
My Comm. Expires May 15, 2019